

Keith Y. Boyd, OSB #760701
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The Law Offices of Keith Y. Boyd
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Of Attorneys for Debtor in Possession

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Robert Aaron Kolwitz,
Debtor.

Case No. 18-30211-dwh13

MOTION FOR ORDER EXTENDING
TIME IN WHICH TO FILE AMENDED
PLAN

Robert Aaron Kolwitz, the debtor, by and through his attorney, The Law Offices of Keith Y. Boyd, moves the court for an order extending the time within which to file his amended plan to and including July 11, 2018.

As grounds for this request, the DIP relies on the declaration of Keith Y. Boyd attached hereto.

DATED this 11th day of May, 2018.

THE LAW OFFICES OF KEITH Y. BOYD

By: /s/ Keith Y. Boyd
Keith Y. Boyd, OSB #760701
Of Attorneys for Debtor

MOTION FOR ORDER EXTENDING TIME IN WHICH TO FILE AMENDED PLAN
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Robert Aaron Kolwitz,
Debtor.

Case No. 18-30211-dwh13

DECLARATION OF KEITH Y. BOYD IN
SUPPORT OF MOTION FOR ORDER
EXTENDING TIME IN WHICH TO FILE
AMENDED PLAN

I, Keith Y. Boyd, under penalty of perjury, do affirm that the statements below are the truth:

1. I am one of the attorneys for the debtor, and have been duly admitted to practice in the State of Oregon and in this Court. I am the principal in The Law Offices of Keith Y. Boyd.

2. This case was originally filed on January 19, 2018, under Chapter 11 of Title 11 of the United States Code. On April 5, 2018, this court entered an order providing the debtor until May 11, 2018 to file his amended Chapter 13 plan. The parties anticipated that plan would be based upon either a settlement with Nancy Kolwitz or the inability to settle with Nancy Kolwitz at the court ordered mediation on April 27, 2018. An agreement was reached at the mediation which provides that the debtor will pay Nancy Kolwitz \$50,000 within 120 days.

3. The only way the debtor will be able to perform the settlement is to refinance the rental house he owns in Newport, Oregon which is in foreclosure. He has applied for a loan to refinance the home for enough to pay all of his creditors in full. The lender has given him a favorable indication of the success of the loan, but the debtor will not know for sure for at least 30 days and perhaps 60 days. If the loan is approved, the debtor will dismiss this case and pay

DECLARATION OF KEITH Y. BOYD IN SUPPORT OF MOTION FOR ORDER
EXTENDING TIME IN WHICH TO FILE AMENDED PLAN - **Page 1 of 2**

his creditors. If the loan is not approved, the debtor will present a modified Chapter 13 plan that will pay his creditors in full. Therefore, the debtor requests a 60 day extension to either move to dismiss this case or to file his amended plan.

4. This is the first request by the debtor for an extension of time to file his amended plan.

5. A copy of the proposed Order Extending Time to File Amended Plan is attached hereto as Exhibit 1.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA.

Executed this 11th day of May, 2018.

/s/ Keith Y. Boyd
Keith Y. Boyd, OSB #760701

DECLARATION OF KEITH Y. BOYD IN SUPPORT OF MOTION FOR ORDER EXTENDING TIME IN WHICH TO FILE AMENDED PLAN - **Page 2 of 2**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re:

Robert Aaron Kolwitz,
Debtor.

Case No. 18-30211-dwh13

ORDER EXTENDING TIME TO FILE
AMENDED PLAN

THIS MATTER came before the court upon the motion of the debtor for an order extending the time within which to file his amended plan (Dkt No. __). The court having reviewed the motion, the declaration of Keith Y. Boyd accompanying said motion, the files and records herein, and the court now being fully advised,

IT IS HEREBY ORDERED that the debtor's motion to extend the time is granted and the deadline for the debtor to file his amended plan is extended to July 11, 2018.

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ORDER EXTENDING TIME TO FILE AMENDED PLAN - Page 1 of 2

Exhibit 1
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Proponent has provided notice as required by LBR 9021-1.
Presented by:

THE LAW OFFICES OF KEITH Y. BOYD

By: /s/
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Of Attorneys for Debtor in Possession

cc:

Manual Notice List:

None

ORDER EXTENDING TIME TO FILE AMENDED PLAN - Page 2 of 2

Exhibit 1
Page 2 of 2

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2018, I served the following MOTION FOR ORDER EXTENDING TIME IN WHICH TO FILE AMENDED PLAN WITH DECLARATION OF KEITH Y. BOYD IN SUPPORT by depositing in the United States mail at Springfield, Oregon full and complete copies thereof, by first class mail, postage prepaid, or email transmission where indicated, addressed to the following:

Nancy J Kolwitz
1438 W Stone Meadow Dr
West Jordan, UT 84088

I hereby certify that on May 11, 2018, I determined from the United States Bankruptcy Court electronic case filing system that the following parties will be served electronically via ECF:

JESSE A BAKER ecforb@aldridgeppte.com, JPB@ecf.inforuptcy.com
 jbaker@aldridgeppte.com
KEITH Y BOYD ecf@boydlegal.net, arnold@boydlegal.net
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US Trustee, Portland USTPRegion18.PL.ECF@usdoj.gov

THE LAW OFFICES OF KEITH Y. BOYD

By: /s/ Melissa A. Arnold
 Melissa A. Arnold, ACP
 Paralegal

CERTIFICATE OF SERVICE - Page 1 of 1